

RESOLUTION NO. 3650-21

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING A POLICY FOR THE OUTDOOR DISPLAY OF FLAGS**

WHEREAS, the Town of Windsor (Town) displays the Flag of the United States and the Flag of the State of California at Town facilities; and

WHEREAS, the Town has not historically had a flagpole policy regarding the display of such flags or the display of any commemorative flags; and

WHEREAS, the Town Council desires to adopt a policy regarding (1) the display of the United States Flag, the POW-MIA Flag, the California State Flag, and the Town Flag at Town facilities; and (2) the display of commemorative flags at Civic Center or Town Green; and

WHEREAS, the Town's flagpoles are not intended to serve as a forum for free expression by the public, but rather for the display of the Federal, State, the POW-MIA Flag, Town Flag, and any commemorative flag as may be authorized by the Town Council as an expression of the Town Council's official sentiments.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor does hereby adopt the policy, regarding Outdoor Display of Flags, as set forth in the attached Exhibit A.


PASSED, APPROVED AND ADOPTED this 20th day of January 2021, by the following vote:

AYES:	COUNCILMEMBERS FUDGE, LEMUS, VICE MAYOR SALMON AND MAYOR FOPPOLI
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE



DOMINIC FOPPOLI, AT-LARGE MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK

Attachment:

- **Exhibit A - Outdoor Display of Flags Policy**



EXHIBIT A

OUTDOOR DISPLAY OF FLAGS POLICY

1. Background

The Windsor Town Council desires to establish a policy regarding (1) the display of the United States Flag, the POW-MIA Flag, the California State Flag, and the Town Flag at Town Facilities; and (2) the display of commemorative flags at the Civic Center and Town Green. In adopting this policy, the Town Council declares that the Town of Windsor's flagpoles are not intended to serve as a forum for free expression of the public, but rather for the display of Federal, State, the POW-MIA Flag, and Town Flags, and any commemorative flag as may be authorized by resolution of the Town Council as an expression of the Town Council's official sentiments. Requests by Councilmembers for commemorative flags must follow Council policies for placing items on Council meeting agendas.

2. Purpose and Scope

The purpose of this Policy is to establish guidance for the outdoor display of flags at Town Facilities, including the display of commemorative flags. The Outdoor Display of Flags Policy may be referred to herein as "this Policy." Nothing in this Policy is intended to control the Town's indoor display of flags, including commemorative flags, within Town Facilities.

3. Definitions

The following definitions shall apply to this Policy:

"U.S. Flag" means the flag of the United States, as defined by 4 USC 1.

"POW-MIA Flag" means the flag of the National League of POW-MIA Families, as defined by California Military and Veterans Code Sections 1830 and 1831.

"California Flag" means the State Flag of California (also known as the "Bear Flag"), as defined by California Government Code Section 420.

"Town Facility" means any real property that is owned or operated by the Town.

"Town Flag" means the official flag of the Town of Windsor, as defined by California Government Code Section 435, and as established by Town Council resolution.

"Commemorative Flag" means any flag other than the U.S. Flag, the California Flag, the POW-MIA Flag, or the Town Flag.

4. Standards

Flags shall be displayed in accordance with Federal and State statutes, including, but not limited to, Title 4, Chapter 1 of the United States Code and Sections 430 through 439 of the California Government Code, and this Policy.

5. Displaying the U.S. Flag, California Flag, POW-MIA Flag, and Town Flag

5.1 No other flag shall be placed above the U.S. Flag and no other flag shall be larger than the U.S. Flag. Other flags may be flown at the same height and in the same size, in accordance with this Policy. Where both the U.S. Flag and the California Flag are flown, they shall be of the same size.

5.2 Flags should be hoisted briskly and lowered ceremoniously. The U.S. Flag should be hoisted first and lowered last.

5.3 Flags shall be displayed during operating hours on all days on which the Town is open for business, and on national and state holidays. Flags may be displayed twenty-four (24) hours a day as long as they are illuminated during darkness.

5.4 Flags shall not be displayed during inclement weather. However, all-weather flags may be displayed twenty-four (24) hours a day as long as they are illuminated during darkness.

5.5 The Town shall display the U.S. Flag and the California Flag at Town Facilities. The U.S. Flag shall be displayed in the first position of honor. The California State Flag shall be placed in the second position of honor (unless the POW-MIA flag is displayed in accordance with this Policy).

5.6 The Town Manager is hereby authorized to display the Town Flag at Town Facilities. The Town Flag, if displayed, shall be placed in the position of honor following the California State Flag.

6. Displaying the POW-MIA Flag

6.1 The POW-MIA Flag is nationally recognized, created in 1971, and recognized by an act of Congress through the adoption of U.S. Public Law 101-355, to represent the concern of individuals who are identified as prisoners of war or missing in action. The POW-MIA Flag has become a symbol of commitment to achieving the fullest possible accounting for those in the future who may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

6.2 In accordance with the Town's longstanding tradition, the POW-MIA flag shall continue to be displayed at the Civic Center and Town Green. The POW-MIA flag may also be displayed at other Town facilities. If displayed, the POW-MIA flag shall

be placed in the second position of honor, and the California Flag shall then be in the third position of honor.

7. Displaying Commemorative Flags

7.1 The Town's flagpoles are not intended to serve as a forum for free expression by the public. The Town shall display commemorative flags only if authorized by the Town Council as an expression of the Town Council's official sentiments. Any such authorization shall be given at a duly noticed meeting of the Town Council.

7.1.1 The Town Council shall only consider a request to display a commemorative flag if the request is made by a member of the Windsor Town Council.

7.2 Commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than thirty-one (31) continuous days, unless Town Council expressly authorizes a longer period in accordance with this Policy and to the extent, such display does not conflict with Federal and State laws.

7.3 Commemorative flags shall be displayed exclusively on the Civic Center or Town Green Flagpoles, and shall not be displayed on flagpoles at Public Works Yard, Community Center, or Senior Center.

7.4 Commemorative flags displayed on the Civic Center or Town Green Flagpoles shall be displayed in the last position of honor.

8. Displaying Flags at Half-Staff

8.1 Only the U.S. President or Governor of California can order the U.S. Flag or California State Flag to fly at half-staff. It shall be Town custom to follow the lead of the federal and state governments when the President and/or Governor orders the flags to be flown at half-staff.

8.2 Whenever the U.S. Flag is flown at half-staff, all displayed flags shall also be flown at half-staff. When lowering a flag to half-staff, the flag shall first be hoisted to its peak for an instant and then lowered to half-staff. At the end of the day, the flag shall again be raised to its peak before being lowered for the day.

8.3 The Town Manager is authorized to order that the Town flag be lowered to half-staff in honor of a Town employee killed in the line of duty.

8.4 The Town Council is authorized to order that the Town flag be lowered to half-staff in honor of the death of a Town of Windsor resident who has made an especially meritorious contribution to the interests or well-being of the town.